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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,522	01/23/2002	Keith Alexander Harrison	1509-271	1585

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EXAMINER

NGUYEN, HUY D

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/053,522	<b>Applicant(s)</b> HARRISON ET AL.	
	<b>Examiner</b> Huy D Nguyen	<b>Art Unit</b> 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-27 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11042004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10-14, 18-20, 22-24, 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Barkan et al. (U.S. Patent No. 6,098,877).

Regarding claims 1, 8, 10, 18-20, 24, Barkan et al. teaches a base station for safekeeping of data, the base station composing a power source, a data storage device and an interface, wherein the interface is operable to transfer data from a portable data-holding device to the data storage device for storing the data in said device, and the power source is operable to recharge a power source of the portable data-holding device (Col. 16, lines 29-37).

Regarding claim 2, Barkan et al. teaches the base station as claimed in claim 1, adapted to receive the portable data-holding device (Col. 16, lines 23-37).

Regarding claim 3, Barkan et al. teaches the base station as claimed in claim 1, wherein the data storage device has a data storage capacity of  $n$  times a data storage capacity of the portable data-holding device,  $n$  being an integer (Col. 16, lines 23-37).

Regarding claim 4, Barkan et al. teaches the base station as claimed in claim 1, wherein the data storage device is operable to store multiple downloads from the portable data-holding device (Col. 16, lines 23-37).

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Regarding claim 5, Barkan et al. teaches the base station as claimed in claim 1, the base station being portable (Figs. 1 & 11).

Regarding claim 6, Barkan et al. teaches the base station as claimed claim 1, operable to upload and download data from the portable data-holding device (Col. 16, lines 29-37).

Regarding claim 7, Barkan et al. teaches the base station as claimed in claim 1, having no moving parts (Col. 7, lines 14-34).

Regarding claim 11, Barkan et al. teaches the combination comprising a base station as claimed in claim 1 and a portable data-holding device receivable by the base station, data being transferable between the portable data-holding device and the base station (Col. 16, lines 29-37).

Regarding claim 12, Barkan et al. teaches the combination as claimed in claim 11, wherein the base station occupies a slightly larger area than one face of the portable data-holding device (Figs. 1 & 11).

Regarding claims 13-14, Barkan et al. teaches the combination as claimed in claim 11, wherein the base station is adapted to recognise a coded identifier associated with a specific said portable data-holding device (Col. 16, lines 23-37).

Regarding claims 22, 26, Barkan et al. teaches the device of claim 20 wherein the circuitry is arranged for downloading data from the portable data-holding device to the data safe as a default condition while the portable device and the data safe are mechanically and electrically connected (Col. 16, lines 23-37).

Regarding claims 23, 27, Barkan et al. teaches the device of claim 20 wherein the circuitry is arranged for downloading data from the portable data-holding device to the data safe

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as a condition involving no more user input than does downloading while the portable device and the data safe are mechanically and electrically connected (Col. 16, lines 23-37).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barkan et al. (U.S. Patent No. 6,098,877) in view of Higashiura (US 2002/0002561).

Regarding claims 9, 21, and 25, Barkan et al. teaches the claimed invention except for prompting a user of the device to indicate whether to back-up the data. However, the preceding limitation is taught in Higashiura (paragraph 0070). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Higashiura to the teaching of Barkan et al. to make sure that the user wants to do the back up.

Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barkan et al. (U.S. Patent No. 6,098,877) in view of Chaco et al. (U.S. Patent No. RE37,531).

Regarding claims 15 and 17, Barkan et al. fails to teach the combination as claimed in claim 11, wherein a user of a specific said portable data-holding device is assigned a personal identification number (PIN). However, the preceding limitation is taught in Chaco et al. (Col. 1, lines 30-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Chaco et al. to the teaching of Barkan et al. for security.

***Allowable Subject Matter***

5. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 16, Barkan et al. (U.S. Patent No. 6,098,877, the closest prior art, either singularly or in combination, fails to teach the combination as claimed in claim 15, wherein the PIN determines which specific portion of the data storage device receives the user's back up, in use.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Rahn et al. (US 2002/0103008) teaches cordless communication between PDA and host computer using cradle.
- Burke et al. (US 5,333,176) teaches cellular hand held portable speakerphone system having an interface adapter.
- Bates et al. (US 6,459,969) teaches apparatus, program product and method of processing diagnostic data transferred from a host computer to a portable computer.
- Woods et al. (US 2003/0072303) teaches multiple-interface port multiplexer.
- Muller et al. (US 6,363,256) teaches cordless telephone and clock management method.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Huy Nguyen



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